

Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 SCSE-00 DHA-02 L-03 H-02 SCA-01
/019 W

-----160908Z 097382 /15

R 152100Z APR 77

FM AMEMBASSY ASUNCION

TO SECSTATE WASHDC 9878

UNCLAS ASUNCION 1519

ARA/ECA FOR GRAHAM

E.O. 11652: N/A

TAGS: CASC: MAURICE BENJAMIN

SUBJ: BENJAMIN CASE - POSSIBLE INQUIRIES TO DEPARTMENT

REF: ASUNCION 1496

1. AS REPORTED REFTEL BENJAMIN LEFT PARAGUAY APRIL 14 AFTER SPENDING OVER TEN WEEKS IN JAIL CHARGED WITH FRAUD. HE WAS NEVER TRIED, NOR HAVE THE CRIMINAL CHARGES BEEN DROPPED. IN THE EVENT HIS CASE LEADS TO ANY INQUIRIES, THE DEPARTMENT MAY DRAW ON THE FOLLOWING INFORMATION TO SUPPLEMENT THAT ALREADY ON FILE.

2. BENJAMIN HAD HAD BUSINESS DEALINGS OUTSIDE OF PARAGUAY WITH A GERMAN NATIONAL, ERICH BUNTE. BENJAMIN TOLD US HE WAS LURED TO PARAGUAY BY BUNTE SO THAT BUNTE COULD DEFLECT CHARGES OF FRAUD ONTO BENJAMIN. BUNTE HAD EARLIER BEEN ARRESTED IN PARAGUAY FOR PASSING BAD CHECKS DRAWN ON A NON-EXISTENT BANK ACCOUNT ALLEGEDLY CREATED BY BANJAMIN. BUNTE REPORTEDLY WAS RELEASED WHEN HE UNDERTOOK TO PRODUCE THE INDIVIDUAL HE CLAIMED WAS BEHIND THE SWINDLE, I.E. BANJAMIN.

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3. ONCE BANJAMIN CAME TO PARAGUAY AND WAS JAILED HE WAS NOT LEGALLY ABLE TO SLAP COUNTER CHARGES AGAINST BUNTE. IN DUE COURSE, HOWEVER, BUNTE'S LOCAL CREDITORS RAN OUT OF PATIENCE, AND HAD HIM REARRESTED. BUNTE REMAINS IN JAIL, AND IN ADDITIONA, FACES EXTRA-DITION TO ARGENTINA WHERE HE ALSO IS CHARGED WITH NUMEROUS COUNTS OF FRAUD.

4. THE BUNTE-BANJAMIN CASE WAS SEEN BY THE POLICE AND JUDICIAL AUTHORITIES AS INVOLVING TWO CONFIDENCE MEN WHO HAD A FALLING OUT. THIS VIEW WAS REFLECTED IN THE LOCAL PRESS, WHICH GAVE THE CASE HEAVY PUBLICITY.

5. FROM OUR STANDPOINT THE CASE SIMPLY INVOLVED THE PROTECTION AND WELFARE OF A U.S. CITIZEN CHARGED WITH A CRIMINAL OFFENSE. CONSULAR OFFICERS VISITED BANJAMIN PERIODICALLY, AND SINCE BANJAMIN HAD ACCESS TO A TELEPHONE, TOOK DAILY CALLS FROM HIM WHICH SERVED TO KEEP HIM ABREAST OF DEVELOPMENTS. THE EMBASSY WAS ALSO IN CLOSE TOUCH WITH BANJAMIN'S LAWYER THROUGHOUT THE PERIOD OF HIS DETENTION.

6. IN THE HOPES OF SPEEDING UP THE JUDICIAL PROCESS, THE EMBASSY THROUGH A FORMAL NOTE ASKED THE FOREIGN MINISTRY TO INTERVENE WITH THE JUDICIAL AUTHORITIES TO MOVE THE CASE ALONG. AS THE WEEKS WENT BY WITHOUT ANY APPARENT PROGRESS IN BRINGING BENJAMIN TO TRIAL, HOWEVER, AS A LAST RESORT THE AMBASSADOR ASKED THE MINISTER OF JUSTICE IF HE PERSONALLY COULD SPEED THINGS UP. AS A RESULT OF THIS APPROACH THE GOP APPARENTLY DECIDED TO RELEASE BANJAMIN ON APRIL 14.

7. ACCORDING TO BANJAMIN'S LAWYER, BEFORE ESCORTING BANJAMIN TO THE AIRPORT THE SECURITY POLICE QUESTIONED HIM AT LENGTH ABOUT HIS ALLEGED INVOLVEMENT WITH BUNTE IN AN ARMS SMUGGLING DEAL, BUT TO OUR KNOWLEDGE UNCLASSIFIED

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NO FURTHER CHARGES WERE MADE AGAINST HIM.

8. AS NOTED IN REFTTEL, ALTHOUGH HE WAS ALLOWED TO LEAVE, THE CHARGES AGAINST BANJAMIN OF CRIMINAL FRAUD REMAIN OUTSTANDING. HIS LAWYER ALSO TELLS US BENJAMIN STILL OWES LAWYER'S FEES.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
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Decaption Note:
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Disposition Approved on Date:
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Disposition Comment:
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Disposition History: n/a
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Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770132-1174
Format: TEL
From: ASUNCION
Handling Restrictions: n/a
Image Path:
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Legacy Key: link1977/newtext/t19770455/aaaabvcd.tel
Line Count: 104
Litigation Code IDs:
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Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 77 ASUNCION 1496
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 10-Nov-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2799903
Secure: OPEN
Status: NATIVE
Subject: BENJAMIN CASE - POSSIBLE INQUIRIES TO DEPARTMENT
TAGS: CASC, PA, (BENJAMIN, MAURICE)
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/5f1f23a5-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009